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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SIMS, JASON M	

ART UNIT	PAPER NUMBER
1631	

MAIL DATE	DELIVERY MODE
10/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,204	CYRUS ET AL.	
	Examiner	Art Unit	
	Jason M. Sims	1631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's arguments filed 7/12/2007 have been fully considered and found persuasive. A new rejection under 35 USC 103 has been made in the instant office action and therefore the instant office action has **not** been made final.

Claims 1-6 are the current claims hereby under examination.

Claim Rejections - 35 USC § 103

Response to arguments:

Applicant's arguments, filed 7/12/2007, with respect to the rejection of claims under 35 USC 103 have been fully considered and are persuasive because of applicant's statement under 103 (c). Therefore the rejection has been withdrawn.

A new rejection under 35 USC 103 using a new prior art reference:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanley et al. (US Pub/N 2002/0156756) in view of Allen et al. (US Pub/N 2002/0068269).

The claims are directed to a life sciences laboratory system comprising a networked computer system that defines a virtual research environment that is accessible to a user; provides a workspace wherein the user can store and organize information relating to life science research; the virtual research environment having a data coupling mechanism by which the user designates a set of user-specified data for bioinformatics processing; and the networked computer system including at least one processor to perform bioinformatics services upon said user-specified data.

Stanley et al. teaches claim 1 in the abstract, Fig. 5, paragraph [0023], [0109]. Stanley et al. in the abstract, discusses a software product designed for diversified data in networked Life Sciences applications environments. Stanley et al. at Fig. 5, shows a workstation, which is networked to other computers and a hard drive and processor that performs the services upon request and can store and organize information relating to life science research in a such formats as a database, which represents a networked computer system that defines a virtual research environment accessible to a user through a portal and providing a workspace wherein the user can store and organize information relating to life sciences research. Stanley et al. further discusses in paragraph [0023], how the instant invention pertains to a system and computer program product in the life sciences and specifically bioinformatics. Therefore, the data and

processing that occurs in disclosed processors and storage devices in Fig. 5 are for systems and life science research pertaining to the field of bioinformatics.

Stanley et al. teaches claim 2 in paragraph [0040]. Stanley et al. discusses a status management component that provides methods for detailed activity logging, data acquisition states, ranking status, local and remote access attempts and overall provides information monitoring and updates for real-time viewing, which represents a workflow system operable to allow a user to prescribe and track the performance of a series of steps associated with that user's life sciences research.

Stanley et al. teaches claim 3 in paragraphs [0036-0039]. Stanley et al. discusses systems of data storage where content is stored according to relevancy, which represents a hierarchical level of organization. Stanley et al. further discusses an interactive routing component that defines where data content is located and where query-relevant content and/or results will be directed within the network for analysis or presentation, which represents defining links among related information across hierarchical levels and an index that organizes life sciences information into hierarchical levels.

Stanley et al. teaches claim 4 and 6 in Fig. 5 and paragraph [0109]. Stanley et al. refers to Fig. 5, which shows networked computers connected to a workstation and then discusses how the workstation is connected to a laboratory instrument, such as a gene sequencer or gel electrophoresis machine, which represents a virtual laboratory equipment interface whereby user may interact with selected ones of a plurality of different life science laboratory equipment. Stanley et al. further discusses bi-directional

lines representing any to any connectivity, which represents a data coupling mechanism adapted to allow a user to transfer data between the workspace and a life sciences related instrument.

Stanley et al. teaches claim 5 in the abstract. Stanley et al. discusses the Intelligent Object content as comprising; user and session identification, user and session authentication, and permission for data access, which represents a life sciences laboratory system comprising access control of the system adapted to maintain privacy of the workspace by restricting access of the workspace to one or more designated users.

Although Stanley et al. teaches a laboratory information management system, one that connects to a laboratory instrument such as a gene sequencer or gel electrophoresis machine, Stanley et al. does not specifically recite a laboratory system that comprises a catalog of life sciences related assay kits linked in memory to related portions of genomic data and a purchasing subsystem presenting portions of said catalog to users for potential purchase of assay kits identified as a result of access by the users of correspondingly related portions of genomic data.

Allen et al. at paragraph [0055] does teach a web based life sciences laboratory system that comprises a catalog of life sciences related assay kits linked in memory to related portions of genomic data and a purchasing subsystem presenting portions of said catalog to users for potential purchase of assay kits identified as a result of access by the users of correspondingly related portions of genomic data.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to combine the laboratory information management system taught by Stanley et al. with the web based laboratory information system taught by Allen et al. because Stanley et al. teaches a system that is already networked to the web and other computer systems that are directed towards the bioinformatics and proteomics research sciences, which often have the need for assay kits, thus providing a motivation to combine the systems of Stanley and Allen. Additionally, Stanley et al. teaches a laboratory system that is connected to laboratory instruments, which may use such assays in research experiments. Therefore, it would improve the efficiency of the system taught by Stanley et al. to be connected to the system taught by Koehler et al. to reduce the time required to find said catalog of life sciences related assay kits.

Conclusion

No claim is allowed

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marjorie Moran can be reached via telephone (571)-272-0720.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

// Jason Sims //

Marjorie A. Moran
SPE, AU 1631
10/1/10